

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL No. 23-117 (DSD/DTS)

Octavia Killion,

Plaintiff,

v.

ORDER

Laura Anderson, et al.,

Defendants.

This matter is before the court upon the report and recommendation of United States Magistrate Judge David T. Schultz dated May 31, 2023 (R&R). In the R&R, the magistrate judge recommended that the court dismiss plaintiff Octavia Killion's complaint without prejudice for failure to state a claim. The magistrate judge also recommended that Killion's application to proceed in forma pauperis be denied and that she be required to pay the unpaid balance of the outstanding filing fee.

The court reviews de novo any portion of the R&R to which specific objections are made. See 28 U.S.C. § 636(b)(1)(c). The court liberally construes a document filed by a pro se litigant. See Erickson v. Pardus, 551 U.S. 89, 94 (2007). Liberal construction means that the court construes a pro se litigant's filing "in a way that permits the [litigant]'s claim to be considered within the proper legal framework." Stone v. Harry, 364 F.3d 912, 915 (8th Cir. 2004) (applying liberal construction to a pro se complaint).

Pro se litigants are not held to the same stringent standards as formal pleadings drafted by lawyers. See Erickson, 551 U.S. at 94. Liberal construction does not mean, however, that the court will supply additional facts or construct legal theories on behalf of the litigant. See Stone, 364 F.3d at 914.

Even read liberally, Killion's objections - labeled otherwise but construed as objections - are not specifically or coherently stated. As best the court can tell, plaintiff generally disagrees with the magistrate judge's analysis and conclusions. Because she has not cogently identified specific objections to the R&R that would warrant discussion, the court will adopt the thorough and well-reasoned R&R in its entirety.

Accordingly, based on the above, **IT IS HEREBY ORDERED** that:

1. The R&R [ECF No. 29] is adopted in its entirety;
2. The objections [ECF No. 30] are overruled;
3. The case is dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1);
4. The application to proceed in forma pauperis [ECF No. 3] is denied;
5. The court's previous order granting an extension to file supporting IFP documentation [ECF No. 28] is withdrawn as moot; and
6. Killion is required to pay the unpaid balance of this action's statutory filing fee - \$350.00 - in the manner prescribed

by U.S.C. § 1915A(b) (2), and the clerk of court shall provide notice of this requirement to the authorities at the institution where Killion is confined.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 26, 2023

s/David S. Doty
David S. Doty, Judge
United States District Court